

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

VICTOR SANCHEZ; GLORIA
SANTANA; AND NANCY MELENDEZ
ON BEHALF HER UNDERAGE
DAUGHTER JSM

Plaintiffs

Vs.

UNITED STATES OF AMERICA;
U.S. GENERAL SERVICE
ADMINISTRATION; U.S.
DEPARTMENT OF LABOR ON
BEHALF RAMEY JOB CORPS;
COMPANY "X"; INSURANCE
COMPANY "A" JOHN DOE AND
RICHARD DOE

Defendants

CIVIL NO.:

TORTS
(FEDERAL TORTS CLAIM ACT)

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW, the plaintiff, through the undersigned attorney, and very respectfully allege, state and request:

I. NATURE OF THE CASE

1. This is an action in torts, for damages, under Puerto Rico Civil Code, Article 1802, 31 L.P.R.A. Sec. 5141, et. seq.

II. JURISDICTION AND VENUE

2. This Honorable Court has jurisdiction over the parties and the subject matter of this litigation in

accordance with the provisions of the Federal Torts Claim Act, 28 U.S.C. Sec. 2671, et seq. and pursuant to 28 U.S.C. Sec. 2401, et. seq. as the defendants in this case are the United States of America, the U.S. General Service Administration and ant the U.S. Department of Labor on behalf of Ramey Job Corps.

3. In accordance with the provisions of the Federal Torts Claim Act, on February 23, 2017, plaintiffs filed an administrative claim with the U.S. General Service Administration and the U.S. Department of Labor through their respective offices. Since more than six months have elapsed without reaching any agreement, plaintiffs, in accordance with 28 U.S.C. Sec. 2401(b) presents this cause of action.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(a) since the claims alleged arose in this judicial district.

III. THE PARTIES

5. Plaintiff Victor Sánchez is of legal age, citizen of the United States of America and resident of and with domicile in Juncos, Puerto Rico. Mr. Victor Sánchez was the father of Mr. Melvin Sánchez.

6. Plaintiff Gloria Santana is of legal age, citizen of the United States of America and resident of and with domicile in Las Piedras, Puerto Rico. Ms. Santana was the mother of Mr. Melvin Sánchez.

7. Plaintiff Nancy Melendez on behalf her underage daughter J.S.M. is a citizen of the United States of America and residents of and with domicile in Las Piedras, Puerto Rico. Plaintiff J.S.M is the daughter of Melvin Sánchez-Santana who passed away as a result of the negligent acts of defendants.

8. Defendants, U.S. General Services Administration and U.S. Department of Labor are agencies of the government of the United States of America, which are liable and responsible for the accident herein described.

9. Defendants Company "A", Insurance Company "X", John Doe and Richard Doe are other unknown defendants that may be jointly liable to plaintiff for the acts herein described which correct names will be substituted as soon as they are known.

IV. GENERAL ALLEGATIONS

10. Melvin Sánchez was an amateur and experienced cyclist who came to Puerto Rico from New York to visit his relatives and train at the same time for a cycling event to be held in Colombia.

11. The day of the accident, January 26, 2017, Mr. Sánchez departed from the town of Cabo Rojo, Puerto Rico in his professional bicycle using all his security equipment to the Aguadilla Airport where he was going to meet his wife who was arriving from New York. There, they were supposed to rent a car and continue their family plans through the island.

12. After having traveled more than three quarters of his planned trip in his bicycle through Road #2, north bound, specifically by km 133.5 in the town of Aguada, approximately at 6:35 A.M., Melvin was rear-ended by a 2015 Blue Bird Bus, license plate G-32 0020N, owned by GSA Lease Standard Fleet Vehicle causing his death instantly.

13. Said vehicle was operated by Mr. Victor M. Medina with the consent and permission of US General Services Administration and/or US Department of Labor and/or Ramey Job Corps.

14. The accident occurred because of the negligence of Mr. Victor M. Medina who was driving recklessly and without taking the necessary precautions to avoid hitting Mr. Melvin Sánchez, causing his death instantly.

15. At the time of the accident, said vehicle was giving service to the US Department of Labor since it was transporting participants from the Job Corps program.

16. All the Defendants are directly, jointly and severally liable to the Plaintiffs for all the damages caused as a result of the above.

V. CAUSES OF ACTION

17. All the paragraphs stated herein above are literally incorporated herein and are made part of this paragraph.

18. As a direct consequence of the facts described above, Mr. Melvin Sánchez passed away.

19. As a result of the death of Melvin Sánchez, his daughter J.S.M., his father Victor Sánchez and his mother Gloria Santana has suffered, are suffering and will continue to suffer severe mental, psychological, moral and emotional pain, anguish and distress estimated in a sum not less than **two million dollars (\$2,000,000.00) each.**

VI. PRAYER FOR RELIEF

WHEREFORE, it is respectfully requested that Judgment be entered by this Honorable Court in favor of the Plaintiff and jointly and severally against the Defendants:

A. Granting the Plaintiffs all the sums requested in complaint.

B. Imposing upon the Defendants the payment of all costs and expenses to be incurred in this lawsuit.

C. Granting the Plaintiff any other relief that they may be entitled to as a matter of law.

D. And, in the event Defendants deny liability, awarding Plaintiff pre-judgment interests, plus a reasonable amount for attorney's fees.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 13th day of September, 2017.

s/ Juan M. Cancio Biaggi

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